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**TRANSMITTAL FORM** 

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Total Number of Pages in This Submission

Application Number	10/827,297- Conf. #2570
Filing Date	April 20, 2004
First Named Inventor	Michael B. Zemel
Art Unit	1616
Examiner Name	E.J. Webman
Attorney Docket Number	31894-199298

EN	ICLOSURES (Check all that app	oly)			
X Fee Transmittal Form	Drawing(s)	After Allowance Communication to TC			
Fee Attached	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences			
Amendment/Reply	Petition	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)			
After Final	Petition to Convert to a Provisional Application	Proprietary Information			
Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address	Status Letter			
Extension of Time Request	Terminal Disclaimer	Other Enclosure(s) (please Identify below):			
Express Abandonment Request	Request for Refund				
Information Disclosure Statement, PTO/SB/08A and 2 documents	CD, Number of CD(s)				
Certified Copy of Priority Document(s)	Landscape Table on CD				
Reply to Missing Parts/ Incomplete Application	Remarks				
Reply to Missing Parts under 37 CFR 1.52 or 1.53					
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm Name VENABLE LLP	CALAMA	***************************************			
Signature	VHHHH				
Printed name Zayd Alatheri	190000				
Date May 4, 2007	Reg. No.	42,256			

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FEE TRANSMITTAL FOR FY 2006  Application Number 10/827/297 - COnf. #2570 FIRST Named Inventor Michael B. Zernel Examiner Name E. J. Webman Applicant claims small entity status. See 37 CFR 1.27  TOTAL AMOUNT OF PAYMENT (\$) 0.00 Attorney Docket No. 31894-199298  METHOD OF PAYMENT (check all that apply)  Check Credit Card Money Order None Other (please identify):  Venable LLP  For the above-Identified deposit account, the Director is hereby authorized to: (check all that apply)  Charge eneys indicated below  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Credit any overpayments  FEE CALCULATION  1. BASIC FILING, SEARCH, AND EXAMINATION FEES  FILING FEES  Small Entity  Application Type  Fee (\$) F					U.S. Patent	and Trade	mark Office; U.S. DEP	ARTMENT	OF COMMERCI
FEE TRANSMITTAL FOR FY 2006  Application Number 10/827/297 - COnf. #2570 FIRST Named Inventor Michael B. Zernel Examiner Name E. J. Webman Applicant claims small entity status. See 37 CFR 1.27  TOTAL AMOUNT OF PAYMENT (\$) 0.00 Attorney Docket No. 31894-199298  METHOD OF PAYMENT (check all that apply)  Check Credit Card Money Order None Other (please identify):  Venable LLP  For the above-Identified deposit account, the Director is hereby authorized to: (check all that apply)  Charge eneys indicated below  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Charge any additional fee(s) or underpayments of lee(s) indicated below, except for the filing fee  X Credit any overpayments  FEE CALCULATION  1. BASIC FILING, SEARCH, AND EXAMINATION FEES  FILING FEES  Small Entity  Application Type  Fee (\$) F	Under the Part ork Red	luction Act of 1995,	no person are re	quired to r	espond to a collection				3 control number
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Fee Description   Fee (\$)   Fee (\$)	2. EXCESS CLAIM FEES								Small Entity
Each independent claims over 3 (including Reissues)  Multiple dependent claims  Total Claims  Extra Claims  See (\$)  Fee Paid (\$)  Multiple Dependent Claims  Fee (\$)  Fee Paid (\$)  Multiple Dependent Claims  Fee (\$)  Fee Paid (\$)  Indep. Claims  Extra Claims  Fee (\$)  Fee Paid (\$)  Fee Paid (\$)  Fee Paid (\$)  Fee Paid (\$)  HP = highest number of independent claims paid for, if greater than 20.  Indep. Claims  Fee (\$)  Fee Paid (\$)  HP = highest number of independent claims paid for, if greater than 3.  3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof  Fee (\$)  Fee Paid (\$)  Fee Paid (\$)  Cround up to a whole number) x  Fees Paid (\$)  Non-English Specification, \$130 fee (no small entity discount)  Other (e.g., late filing surcharge):  SUBMITTED BY  Signature  Name (Print/Type)  Zayd Alaman  Registration No. (Attorney/Agent)  Attachment Attac	Fee Description							Fee (\$)	
Multiple dependent claims  Total Claims  Extra Claims  Fee (\$)  Fee Paid (\$)  Multiple Dependent Claims  Fee (\$)  Fee Paid (\$)  Multiple Dependent Claims  Fee (\$)  Fee Paid (\$)  Indep. Claims  Extra Claims  Fee (\$)  Fee Paid (	· ·							50	25
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HP = highest number of independent claims paid for, if greater than 3.  3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets		•		Fee P	Paid (\$)		<del></del>		
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If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets		endent claims paid t	for, if greater than	n 3.					
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4. OTHER FEE(\$) Non-English Specification, \$130 fee (no small entity discount) Other (e.g., late filing surcharge):  SUBMITTED BY Signature Registration No. (Altorney/Agent) Registration No. (Altorney/Agent) Date May 4, 2007				of each a			_	<u>Fee</u>	Paid (\$)
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Signature Registration No. (Attorney/Agent) 42,256 Telephone (202) 344-8164  Name (Print/Type) Zayd Alathar Date May 4, 2007	Other (e.g., late filing	surcharge):	. 11/						
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Docket No.: 31894-199298

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Zemel et al.

Art Unit: 1616

Application No: 10/827,297

Examiner: E. J. WEBMAN

Confirmation No: 2570

Filed: April 20, 2004

Atty. Docket No: 31894-199298

Customer No:

For: DIETARY PLANS BASED ON CALCIUM

\*26694\*

26694

PATENT TRADEMARK OFFICE

## **INFORMATION DISCLOSURE STATEMENT (IDS)**

MS AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the first office action (37 CFR 1.97(b)(3)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

Application No.: 10/827,297 Docket No.: 31894-199298

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

We believe that no fees are required with the submission of this IDS. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31894-202097.

Dated: May 4, 2007

DC1/241076

Respectfully submitted,

Michael A. Gollin

Registration No.: 31,957

Zavd Alathari

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PTO/SB/08A/B (09-06)
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IN	FORMATION	I DI	SCLOSURE	Filing Date	April 20, 2004
S <sup>-</sup>	STATEMENT BY APPLICANT			First Named Inventor	Michael ZEMEL
				Art Unit	1617
	(Use as many sh	eets as	necessary)	Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	31894-199298

	U.S. PATENT DOCUMENTS						
Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant		
Initials*	No.1	Number-Kind Code <sup>2</sup> ( if known)	MM-DD-YYYY	Applicant of Cited Document	Figures Appear		
	AA	U.S. 6,013,622		Bruno et al.			
	AB	U.S. 4,237,118		Howard			
	AC	U.S. 6,716,810		Brennan et al.			
•	AD	U.S. 4,027,043	3/31/77	Schroeder et al.			
	ΑE	U.S. 4,784,871	11/15/88	Park			
	AF	U.S. 6,403,657	6/11/02	Hinz			
	AG	U.S. 5,158,310	10/27/92	Tannehill et al.			
	АН	U.S. 6,159,530	12/12/00	Christiansen et al.			
	Αl	U.S. 5,698,222	12/16/97	Mazer et al.			

		FOREIC	ON PATENT	OCUMENTS		_
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

	NON PATENT LITERATURE DOCUMENTS				
Examiner Initials No.1 Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>			
	CA	HIRSCH, "Got Milk? Getting Thinner?", Express ,Tuesday, 19 July 2005, page 10.			
		HERDICK et al., "Carboxylic Ester Antagonists of 1α,25-dihydroxyvitamin D <sub>3</sub> Show Cell-Specific Actions" (Research Paper XP-001069553), <i>Chemistry &amp; Biology 2000</i> , Vol.7 No.11, pp. 885-894.			

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner	Date
Signature	Considered

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached. DC1/241108